

they represented that the Bayside Canning Co., Alviso, Calif., was the packer; whereas the Bayside Canning Co. did not operate during the tomato season in 1936 and the code marks on the shipment corresponded with those of the National Packing Co., Isleton, Calif. Both lots of the article were alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture since it did not consist of whole or large pieces and a portion was not normally colored, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On April 10, 1937, the National Packing Co. having appeared as claimant for both lots of the article, and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond to be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

27177. Adulteration of walnut meats. U. S. v. 296 Cartons of Walnut Meats. Decree of condemnation. Product ordered released under bond subject to segregation and destruction of unfit portion. (F. & D. no. 38979. Sample nos. 20209-C, 20210-C.)

This case involved walnut meats that were partially moldy, rancid, and insect-infested.

On January 20, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 296 cartons of walnut meats at Boston, Mass., alleging that they had been shipped in interstate commerce on or about December 4, 1936, by the Whittier Walnut Packing Co., from Whittier, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On March 8, 1937, the Whittier Walnut Packing Co. having appeared as claimant, and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond subject to segregation and destruction of that portion of shipment unfit for human consumption.

M. L. WILSON, *Acting Secretary of Agriculture.*

27178. Adulteration of canned pimientos. U. S. v. 25 Cases of Canned Pimientos. Default decree of destruction. (F. & D. no. 38981. Sample no. 22526-C.)

This product was underprocessed and in part decomposed.

On or about February 5, 1937, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cases of canned pimientos at Marianna, Fla., consigned by the Cherokee Products Co., alleging that they had been shipped in interstate commerce on or about October 13, 1936, from Bradley, Ga., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "O-Sage Brand Pimientos * * * Packed by Cherokee Products Co., Bradley, Ga."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On April 3, 1937, no claimant having appeared, judgment was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

27179. Misbranding of canned pork and beans. U. S. v. 72 Cases and 33 Cases of Pork and Beans. Default decree of condemnation. Product ordered delivered to a charitable institution or destroyed. (F. & D. no. 38982. Sample no. 28193-C.)

This product was represented on the label as containing a generous amount of pork. Examination showed that it contained little or no pork and that it was also short weight.

On January 22, 1937, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 105 cases of canned pork and beans at Reno, Nev., alleging that the article had been shipped in interstate commerce on or about April 29, 1936, by Delray Corporation from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs